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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,047	01/29/2001	Jennie Ching	1501P/BC999066	7262

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/773,047

Applicant(s)

CHING ET AL.

Examiner

KIEU-OANH T. BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-25 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-15, 17-25, 36-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/29/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 5-12 and 16-23 is withdrawn in view of the newly discovered reference(s) to Allen et al (US patent 5,892,535). Rejections based on the newly cited reference(s) follow.

### *Remark*

2. Claims 2, 5, 16, and 26-35 were canceled. Pending claims are claims 1, 3, 4-15, 17-25 and new claims 36-47 are added.

### *Claim Rejections - 35 USC 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claim 1, 3-4, 6-15, 17-25 and 36-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peled et al. (U.S. Patent Pub No. 2002/0016831 A1) in view of Allen et al. (U.S. Patent No. 5,892,535).

Regarding claims 1 and 15, Peled discloses "a method for object retransmission from a central site to a receiver, the method comprising the steps of: (a) receiving a plurality of objects in the receiver from the central site; (b) generating a response document in the receiver; (c) sending the response document to the central site asynchronously; and (d) determining which of the plurality of objects to retransmit to the receiver based upon the response document", i.e., user

Art Unit: 2611

102 or receiver 102 receives a plurality of offering products and services from vendor 101 via a central site ISP 107 (Fig. 1), yet he/she chooses or selects to order only a preferred item(s) or object(s) from the vendor, and the user's request is responded by the vendor based on the requested object or item, see page 1, par. 0009-0011, page 7/par. 0187-0189). Peled further discloses "wherein the determining step (d) further comprises the steps of: (d1) determining which objects to retransmit to a zone, the zone including a plurality of receivers; and (d2) determining which objects to retransmit to the receiver", i.e., contents are delivered to the user based on geo-location of the users for different regions to satisfy the needs of the users, see page 1, par. 0009-0010).

Peled does not further including the step of "wherein the plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support files further include an upcoming playlist"; however, this technique is taught by Allen as Allen provides a distribution network for media delivery to different zones, and the system determines which objects to retransmit to a zone, which comprises a plurality of receivers, and plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support files further include an upcoming playlist (refer to Allen, Figs. 2, 11b & 15 for zone 1414, and col. 10/lines 15-42, col. 11/line 45 to col. 12/line 30 for media files, server, distribution to users; and col. 32/lines 10-21 for a playlist addressed). Therefore, it would have been obvious to one of ordinary skill in the art to modify Peled's system with Allen's teaching features as noted in order to provide a system and a method for determining in redistribution from the central server to the receivers according to zones and

Art Unit: 2611

based mainly in asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist as preferred.

(Claim 2 was canceled).

As for claims 3 and 4, in view of claim 2, Peled further suggests “wherein the central site further comprises a scheduler module for scheduling objects for transmission” and “(e) instructing the scheduler to retransmit the objects based upon step (d1) and step (d2)” (page 3, par. 0062-0065 for time sensitivity for accurate responding to the users based on the user requests regarding as the scheduling process, also referring to page 8/par. 0198 for video-on-demand for scheduling a program based on the user’s request).

(Claim 5 was canceled).

As for claims 6-12, these steps simply refer to the scheduling process wherein the media file is being requested, compared against the inventory, making lists for redistribution, checking any missing files within the receiver for delivering processes, and generating log or list of delivered files (refer to col. 39/line 42 to col. 43 line 10 for scheduling and verification, checking processes addressed).

As for claims 13-14, in further view of claim 1 above, Allen further teaches to include a content file list, and the Content File List listing a receiver’s inventory of objects, with further steps managing the inventory as purge list and content file list to an inventory of objects in and not in the zone (Figs. 15-16, and col. 39/line 30 to col. 40/line 64 for scheduling processes in maintaining the inventory of objects within local receivers and within the database server).

As for claims 15, 17-25 and 36-47, these claims referred to same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1, 3-4, 6-14 as discussed above.

Art Unit: 2611

***Conclusion***

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB

August 24, 2005